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*Attorneys for Defendant Marks Studios, LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KONAMI GAMING, INC., a Nevada  
corporation,

Plaintiff,

v.

MARKS STUDIOS, LLC d/b/a Gimmie  
Games, a Georgia limited liability company,

Defendant.

Case No.: 2:14-cv-01485-JAD-CWH

Honorable Jennifer A. Dorsey  
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY SCHEDULING  
ORDER**

Pursuant to Local Rules 6-1 and 26-4, and this Court's Order, dated November 3, 2015, Plaintiff Konami Gaming, Inc. ("Konami" or "Plaintiff") and Defendant Marks Studios, LLC d/b/a Gimmie Games ("Marks Studios" or Defendant") hereby stipulate as follows:

**WHEREAS**, the parties to this action filed a proposed joint Discovery Plan and Scheduling Order (the "Scheduling Order") on December 30, 2014, (*Docket no. 24*);

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1           **WHEREAS**, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no.*  
2     *31*);

3           **WHEREAS**, to date, the Plaintiff and Defendant have made their Initial Disclosures  
4     pursuant to Federal Rule of Civil Procedure 26(a)(1) and have filed the Stipulated Protective  
5     Order required under Local Rule 16.1-4;

6           **WHEREAS**, pursuant to the Scheduling Order, discovery is partially stayed until the  
7     Court issues a *Markman* order on claim construction.

8           **WHEREAS**, the Court approved the parties' most recent proposed modification of the  
9     Scheduling Order on October 19, 2015 (*Docket No. 106*):

10          **WHEREAS**, on November 3, 2015, this Court ordered the parties to file a stipulation  
11     that vacates the dates associated with present discovery schedule outlined in the Scheduling  
12     Order (the order is *Docket No. 110*);

13          **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned  
14     counsel for the named parties hereto, that the dates associated with the discovery schedule in the  
15     Scheduling Order (and any modifications to the dates therein) are vacated, including the dates for  
16     the claim construction briefs and expert reports;

17          **IT IS HEREBY FURTHER STIPULATED AND AGREED**, that the parties, within  
18     30 days of this Court's November 3, 2015 Order, will submit a status report to the Court  
19     outlining the arrangements that have been made to depose Mr. Yoshimi and providing new dates  
20     in lieu of the dates that have been vacated by this stipulation and order;

21          **IT IS FURTHER STIPULATED AND AGREED** that nothing herein alters any other  
22     obligations and requirements included in the Scheduling Order.

**IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,**

Dated: November 6, 2015

Dated: November 6, 2015

By: /s/ Nicholas J. Santoro

Nicholas J. Santoro

(Nevada Bar No. 532)

Jason D. Smith

(Nevada Bar No. 9691)

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(admitted pro hac vice)

*Attorneys for Defendant Marks Studios, LLC*

**ORDER**

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

Dated: November 12, 2015

  
\_\_\_\_\_  
Carl W. Hoffman  
United States Magistrate Judge

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